

**IN OPPOSITION TO:
S.B. 121**

**General Laws Committee
Hearing: February 22, 2022, at 10:00 AM**

W I CLARK OPPOSES S.B. 121

February 18, 2022

Dear Honorable Members of the General Laws Committee:

My name is Douglas Hansen and I am the President of The W I Clark Company. We sell, rent, sell parts for, and service various brand of construction equipment but mostly John Deere. We have 3 locations in CT and employ 93 great employees. I oppose S.B. 121 and would like to take a moment to share why I believe it is wrong for my industry.

First, I want to be clear that my business as well as our customers currently have the ability to diagnose and repair John Deere equipment. At my dealership, customers contract with us to repair their equipment but they absolutely have the ability to purchase diagnostic equipment, software, and replacement parts so that they can repair their equipment themselves. To that end, our dealership stocks a significant inventory of parts. Of those stocked parts, approximately 85%% are sold directly to equipment owners or independent repair providers who are performing their own repairs with the remaining used on our own rental equipment.

At W I Clark, our employees are tasked with maintaining and repairing our own and customers equipment and do so with the help and support of John Deere and other vendors. It is our opinion that S.B. 121 goes far beyond the "right to repair" and is unnecessary for our industry. As a family owned business and local job creator, the safety of my employees and our customer's employees is always top of mind. Safety features in off-road equipment are increasingly controlled by the embedded software rather than "old school" mechanical means. Some examples of these features include controlling hydraulic functions and controlling the shifting and steering of the machine. S.B. 121, if passed, could allow a customer to change (on purpose or inadvertently) parameters of safety features specifically installed to keep users from injuries or worse. While some may find these features to be inconvenient, they are vital to keeping all people interacting with the machine safe. Furthermore, technology advances quickly and in the not-too-distant future, some of these 30,000-to-200,000-pound machines will be moving autonomously (without a human driving).

I would encourage members of the Committee to consider the significant ramifications that tampering with embedded code and the safety features that controls the movement and functions of these huge machines might have. The safety concerns are not going to get less significant with these inevitable technological advancements. To take it a step beyond, if a customer is able to change a function that then injures or kills someone, that individual who changed the operation would be responsible for the injuries or damage caused. Chances are

they would not be in a position to compensate injured parties in contrast to a normal manufacturer who would offer that protection.

For the off-road industry, just to be clear, our customers currently have the right and the ability to repair. What we oppose is the right to alter the manufacturer designed systems that control the operation or safety features of the machine. As technically trained experts on servicing the equipment, WE DON'T want that access for ourselves. That I think defines the issue. The unintended consequences of S.B. 121 are significant and would be detrimental rather than advantageous to the safety of the environment, to equipment users, and those people working around or near this equipment.

I urge all members of the Committee to carefully consider this legislation and to oppose it. Alternatively, I ask that the Committee adopt the non-road amendment which is included below.

Thank you for your time.

Sincerely,

Douglas Hansen
President
W I Clark

***SENATE BILL 121
NON-ROAD EXEMPTION LANGUAGE***

Manufacturers, distributors, importers or dealers of all off-road (non-road) equipment, including without limitation, farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, construction equipment, compact construction equipment, mining equipment, turf, yard and garden equipment, outdoor power equipment (including portable generators), marine, all-terrain sports and recreational vehicles (including racing vehicles), stand-alone or integrated stationary or mobile internal combustion engines, other power sources, (including without limitation, generator sets, electric/battery and fuel cell power), power tools, and any tools, technology, attachments, accessories, components and repair parts for any of the foregoing.